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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/301,704	04/29/1999	MARK ANDREW SCHEMBRI	54259.000003	5964

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WASHINGTON, DC 20006-1109

EXAMINER

SHEINBERG, MONIKA B

ART UNIT	PAPER NUMBER
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1631

DATE MAILED: 09/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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27

DATE MAILED:

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**Commissioner of Patents and Trademarks**

### Notice of Non-Responsive Amendment

The communication, filed on 17 June 2001, is non-responsive to the non-responsive amendment, mailed 18 April 2001, because applicants have improperly submitted amendments to the specification. Due to the improper submission, the proposed amendments were not entered. Amendments to the specification **must indicate page number and line number** for location of the replacement paragraph/section; must be accompanied by a **clean version** of the replacement paragraph **AND a marked-up copy** showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed; a statement that the substitute specification contains no new matter. In addition applicant is reminded that an amendment to the application should not fall under "Remarks" but under its **own separate section**. Any proposed drawing correction or corrected drawings, applicant must submit another copy of the drawing. (please note: it is unclear if the amendments concerning Figure 1B are directed to the specification's description of the drawings section, or to the figure on the drawing sheet itself.) It is requested that the amendments be clear in that which is intended to be replaced, canceled, etc and where these alteration are to take place. Since the response appears to be bona fide, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is required to complete the response within a time limit of one month from the date of this letter or as extended as follows. **AN EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 C.F.R. § 1.136(a) OR (b) UP TO A MAXIMUM OF SIX MONTHS.**

### Inquiries

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Paper should be faxed to Technical Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such paper must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1998), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993) (See 37 CFR 1.6(d)). The CM1 Fax Center number is (703) 308-4242.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monika B. Sheinberg, whose telephone number is (703) 306-0511. The examiner can normally be reached on Monday-Friday from 9 A.M. to 5 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Woodward, can be reached on (703) 308-4028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Patent Analyst, Tina Plunkett, whose telephone number is (703) 305-3524, or to the Technical Center receptionist whose telephone number is (703) 308-0196.

August 29, 2002

Monika B. Sheinberg *MB*

enclosed: "Changes to the Patent Rules" October 20, 2000; vol. 1, issue 3.

*Ardin H. Marschel*  
ARDIN H. MARSCHEL  
PRIMARY EXAMINER

# Changes to the Patent Rules

October 20, 2000

Volume 1, Issue 3

This is the third in a series of Patent News Bulletins to assist you in keeping up to date with significant rule changes which affect your area. Keep this copy to use as a bookmark for your present MPEP, or view this bulletin again on the USPTO Website.



## Simplified Amendment Practice. Replacement paragraphs/sections/claims to be used. 37 CFR 1.121

The rule package "Changes to the Patent Business Goals - Final Rule," published in the Federal Register on September 8, 2000, 65 Fed. Reg. 54603 (Sept. 8, 2000), and the Official Gazette on September 19, 2000, 1238 Off. Gaz. Pat. Office 77 (September 19, 2000). The PBG rule package makes a number of revisions to Title 37.

The entire final rule may be found at the USPTO Website at <http://www.uspto.gov/web/offices/dcom/olia/pbg/index.html>.

Areas and individuals primarily affected by this rule change include:  
(1) Patent Examiners and Tech Support Staff in the Technology Centers  
(2) Office of Patent Publication

Any questions related to this change in practice should be directed to Joe Narcavage, Special Projects Exr., (703-305-1795) or Liz. Dougherty, Legal Advisor, (703-306-3156) OPLA.



Mandatory compliance with the revised rule is not required until March 1, 2001. It is suggested that applicants adopt the revised procedures on or after November 7, 2000, in order to adjust to the changes in amendment practice.

Under the new amendment practice, amendments to the specification must be made by the submission of clean new or replacement paragraph(s), section(s), specification, or claim(s). This practice will provide a specification (including claims) in clean, or substantially clean, form that can be effectively captured and converted by optical character recognition (OCR) scanning during the patent printing process.

The new practice requires applicant to provide, in addition to the clean version of a replacement paragraph/section/claim, a marked-up version using applicant's choice of a conventional marking system to indicate the changes, which will aid the examiner in identifying the changes that have been made. The marked-up version must be based on the previous version and indicate (by markings) how the previous version has been modified to produce the clean version submitted in the current amendment. The term "previous version" means the version of record in the application as originally filed or from a previously entered amendment.

The following format is suggested in an amendment paper: (1) a clean version of each replacement paragraph/section/claim with clear instructions for entry; (2) starting on a separate page, any remarks/arguments (37 CFR 1.111); and (3) starting on a separate page, a marked-up

version entitled "Version with markings to show changes made."

Applicants will also be able to submit a clean set of all pending claims, consolidating all previous versions of pending claims from a series of separate amendments into a single clean version in a single amendment paper. This submission of a clean version of all of the pending claims will be construed as directing the cancellation of all previous versions of any pending claims. No marked-up version will be required to accompany the clean version where no changes other than the consolidation are being made.

The amended rule encourages issuance of applications with an examiner's amendment without practitioners/applicants having to file a formal amendment. Additions or deletions of subject matter in the specification, including the claims, may continue to be

made in an examiner's amendment at the time of allowance by instructions to make any change at a precise location in the specification or the claims. An examiner's amendment may incorporate a printed copy of a fax or e-mail amendment submitted by applicant. Only that part of the e-mail or fax directed to a clean version, or a portion of, a paragraph/claim to be added should be printed and attached to the examiner's amendment, with a paper copy of the entire e-mail or fax being entered in the file. The electronic version of the e-mail is not required to be saved once the printed e-mail (and any attachments) becomes part of the application file record.

*Amendment by  
paragraph/claim  
replacement in clean form.*

MPEP 714+ &amp; 1302.04